



House of Representatives

General Assembly

File No. 462

February Session, 2006

House Bill No. 5475

House of Representatives, April 10, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING RECOMMITMENT OF ESCAPED PERSONS AND CONFINEMENT OF ACQUITTEES FOR EXAMINATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-522 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 The name of any person who has escaped from any institution for
4 persons with psychiatric disabilities and has not been returned to such
5 institution within one year thereafter shall be stricken from the records
6 of such institution and such person shall not thereafter be returned to
7 such institution except (1) upon further commitment by some court of
8 competent jurisdiction, or (2) in the case of an acquttee committed to
9 the jurisdiction of the Psychiatric Security Review Board pursuant to
10 section 17a-582, by order of the Psychiatric Security Review Board.
11 Upon such further commitment, the state or local police department
12 shall, on the request of the authorities of any such institution, assist in
13 the rehospitization of such patient if, in the opinion of such
14 authorities, the patient's condition warrants such assistance. The

15 expense, if any, of such return shall be paid by the patient or [his] the
16 patient's legally liable relatives or, if none, by the state, but the expense
17 provision herein contained shall not be construed to apply against a
18 rehospitalized patient when criminal proceedings are pending against
19 [him] the patient.

20 Sec. 2. Section 17a-582 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2006*):

22 (a) When any person charged with an offense is found not guilty by
23 reason of mental disease or defect pursuant to section 53a-13, the court
24 shall order such acquittee committed to the custody of the
25 Commissioner of Mental Health and Addiction Services who shall
26 cause such acquittee to be confined, pending an order of the court
27 pursuant to subsection (e) of this section, in any of the state hospitals
28 for psychiatric disabilities or to the custody of the Commissioner of
29 Mental Retardation, for an examination to determine his mental
30 condition.

31 (b) [Within forty-five days of] Not later than sixty days after the
32 order of commitment pursuant to subsection (a) of this section, the
33 superintendent of such hospital or the Commissioner of Mental
34 Retardation shall cause the acquittee to be examined and file a report
35 of the examination with the court, and shall send a copy thereof to the
36 state's attorney and counsel for the acquittee, setting forth the
37 superintendent's or said commissioner's findings and conclusions as to
38 whether the acquittee is a person who should be discharged.

39 (c) [Within] Not later than ten days [of] after receipt of such
40 superintendent's or said commissioner's report, either the state's
41 attorney or counsel for the acquittee may file notice of intent to
42 perform a separate examination of the acquittee. An examination
43 conducted on behalf of the acquittee may be performed by a
44 psychiatrist or psychologist chosen by the acquittee and shall be
45 performed at the acquittee's expense unless [he] the acquittee is
46 indigent. If the acquittee is indigent, the court shall provide [him] the
47 acquittee with the services of a psychiatrist or psychologist to perform

48 the examination at the expense of the state. The superintendent or said
49 commissioner who conducted the initial examination shall, [within]
50 not later than five days [of] after a request of any party conducting a
51 separate examination pursuant to this subsection, release to such party
52 all records and reports compiled in the initial examination of the
53 acquittee. Any separate examination report shall be filed with the court
54 [within] not later than thirty days [of] after the filing with the court of
55 the initial examination report by the superintendent or said
56 commissioner.

57 (d) The court shall commence a hearing [within] not later than
58 fifteen days [of] after its receipt of any separate examination report or
59 if no notice of intent to perform a separate examination has been filed
60 under subsection (c) of this section, [within] not later than twenty-five
61 days [of] after the filing of such initial examination report.

62 (e) At the hearing, the court shall make a finding as to the mental
63 condition of the acquittee and, considering that its primary concern is
64 the protection of society, make one of the following orders:

65 (1) If the court finds that the acquittee is a person who should be
66 confined or conditionally released, the court shall order the acquittee
67 committed to the jurisdiction of the board and either confined in a
68 hospital for psychiatric disabilities or placed with the Commissioner of
69 Mental Retardation, for custody, care and treatment pending a hearing
70 before the board pursuant to section 17a-583; provided (A) the court
71 shall fix a maximum term of commitment, not to exceed the maximum
72 sentence that could have been imposed if the acquittee had been
73 convicted of the offense, and (B) if there is reason to believe that the
74 acquittee is a person who should be conditionally released, the court
75 shall include in the order a recommendation to the board that the
76 acquittee be considered for conditional release pursuant to subdivision
77 (2) of section 17a-584; or

78 (2) If the court finds that the acquittee is a person who should be
79 discharged, the court shall order the acquittee discharged from
80 custody.

81 (f) At the hearing before the court, the acquittee shall have the
 82 burden of proving by a preponderance of the evidence that [he] the
 83 acquittee is a person who should be discharged.

84 (g) An order of the court pursuant to subsection (e) of this section
 85 may be appealed by the acquittee or the state's attorney to the
 86 Appellate Court. The court shall so notify the acquittee.

87 (h) During any term of commitment to the board, the acquittee shall
 88 remain under the jurisdiction of the board until discharged by the
 89 court pursuant to section 17a-593. Except as provided in subsection (c)
 90 of said section, the acquittee shall be immediately discharged at the
 91 expiration of the maximum term of commitment.

92 (i) On committing an acquittee to the jurisdiction of the board, the
 93 court shall advise the acquittee of the right to a hearing before the
 94 board in accordance with section 17a-583.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	17a-522
Sec. 2	October 1, 2006	17a-582

PH *Joint Favorable C/R*

JUD

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill clarifies the authority of the Psychiatric Security Review Board and extends the time allowed for certain examinations by the Department of Mental Health and Addiction Services. These changes have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5475*****AN ACT CONCERNING RECOMMITMENT OF ESCAPED PERSONS
AND CONFINEMENT OF ACQUITTEES FOR EXAMINATION.*****SUMMARY:**

This bill specifies that the Psychiatric Security Review Board (PSRB) may order a person under its jurisdiction committed to an institution (hospital) if he has been absent from the institution for an extended period following an escape.

The bill extends the amount of time for examining an acquttee committed to the custody of the Department of Mental Health and Addiction Services from 45 to 60 days following the commitment order.

EFFECTIVE DATE: October 1, 2006

COMMITMENT TO THE PSYCHIATRIC SECURITY REVIEW BOARD

By law, the name of any person who has escaped from any institution for persons with psychiatric disabilities and has not returned to the facility within one year must be stricken from the institution's records. Under current law, the person cannot be returned to the institution except upon further commitment by a court of competent jurisdiction. The bill authorizes the PSRB to order the return of such an escaped person in the case of an acquttee committed to the board's jurisdiction.

BACKGROUND***Psychiatric Security Review Board***

The PSRB is a state agency to which the Superior Court commits persons found not guilty by reason of mental disease or mental defect. These individuals are called "acquittees." The PSRB's responsibility is

to review the status of acquittees through an administrative hearing process and order the level of supervision and treatment for the acquittees necessary to protect the public. The PSRB, at the time of commitment, takes jurisdiction over the acquittee and decides which hospital he will be confined in and when and under what circumstances he can be released into the community (CGS § 17a-580 to 17a-603).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Change of Reference

Yea 26 Nay 0 (03/10/2006)

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/27/2006)